

Order entered October 9, 2018



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-18-00098-CR

JAMES BERKELEY HARBIN II, Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 204th Judicial District Court
Dallas County, Texas
Trial Court Cause No. F91-22107-Q

ORDER

We **REINSTATE** this appeal.

We abated the appeal for a hearing to determine why appellant's brief had not been filed. On October 8, 2018, appellant filed his brief along with a motion to extend time to file the same. In the interest of expediting this appeal and because the trial court has not yet held a hearing, we **VACATE** our October 2, 2018 order to the extent it ordered a hearing and required findings. We **GRANT** appellant's motion and **ORDER** his brief filed as of October 8, 2018.

We **DIRECT** the Clerk to send a copy of this order to the Honorable Tammy Kemp, Presiding Judge, 204th Judicial District Court; to counsel Lawrence B. Mitchell; and to the Dallas County District Attorney.

The State's brief is due November 9, 2018.

/s/ LANA MYERS
JUSTICE